GOVERNMENT OF INDIA
WATER RESOURCES, RIVER DEVELOPMENT AND GANAGA REJUVENATION
LOK SABHA

UNSTARRED QUESTION NO:1472
ANSWERED ON:09.03.2017
Inter-State River Water Sharing Disputes
Ahlawat Smt. Santosh

Will the Minister of WATER RESOURCES, RIVER DEVELOPMENT AND GANAGA REJUVENATION be pleased to state:

(a) the details and the current status of each of the inter-State river water sharing dispute in the country especially Haryana and Rajasthan along with agreements signed between the States for the purpose;
(b) the quantum of water demanded by the States and being supplied to them at present from each of the rivers involved in such disputes; and
(c) the steps taken/to be taken by the Government to resolve the said disputes along with efforts made to ensure that due share of water from the rivers involved in disputes is released to the concerned States without any hurdle.

Answer

THE MINISTER OF STATE FOR WATER RESOURCES, RIVER DEVELOPMENT AND GANGA REJUVENATION
(DR. SANJEEV KUMAR BALYAN)

(a) to (c) On the complaint made by the State Governments, the Central Government has, so far, set up 08 tribunals to settle water disputes among the States under the Inter-State River Water Disputes (ISRWD) Act, 1956 which includes Ravi & Beas Water Tribunal set up for dispute among basin states including Haryana and Rajasthan. The present status of various inter-state water disputes over the sharing of river water is at Annexure.

Government of Bihar has sent a request on 27.11.2013 under provision of ISRWD Act, 1956 to this Ministry for constitution of a Tribunal for adjudication of river water disputes related to Sone basin. Negotiations were carried out by Chairman, GFCC and Chairman, CWC with the States of U.P. and Bihar. It has been agreed that the two States of U.P. and Bihar would meet periodically and try to solve the issue bilaterally. The dispute has since been settled.
State of Odisha has also filed complaint under Section 3 of ISRWD Act, 1956 in 2016 with respect to Mahanadi basin and the Central Government has constituted a Negotiation Committee for settlement of the dispute through negotiation. The first meeting of the Committee was held on 28.02.2017 which was attended by all basin States except State of Odisha. In the meeting it was felt that there is a need for proper and scientific assessment of the yield of the basin and accordingly decided to collect the relevant data in a time bound manner.

As per information available in Central Water Commission (CWC) publication 2015 "Agreements on Inter-State Rivers", Vol. III of Legal Instruments on Rivers in India, a number of inter-state agreements have been reached so far. Shares of Rajasthan and Haryana in Ravi-Beas, Satluj, and Upper Yamuna basin are determined by Agreements of 1981, 1959 and 1994 reached inter-alia between the two States.
Parties to Agreements/decision of Tribunals are entitled to their share of water in concerned river basin as per provisions of such Agreements/decision of Tribunals. This Ministry does not maintain such records. However, supply of water to concerned States varies on year to year basis depending mainly on availability of water in the basin/reservoirs in a particular year and other relevant factors and is monitored by the concerned Board/Authority/regulatory body functioning in a particular river basin project.
The mechanism for settlement of water disputes is already available in the form of ISRWD Act, 1956. The ISRWD Act, 1956 has been last amended in 2002 whereby adjudication of the water disputes by tribunals has been made time bound after consultation with all State Governments. Further, Ministry of Water Resources, River Development & Ganga Rejuvenation adopted a revised National Water Policy (NWP) in 2012. As per Clause 12.2 of the Policy, a permanent Water Disputes Tribunal at the Centre should be established to resolve the disputes expeditiously in an equitable manner. The proposal to set up a standing tribunal to adjudicate interstate river water disputes has been approved by the Cabinet and Notice for introduction of Bill for the same has been sent.
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ANNEXURE

ANNEXURE REFERRED TO IN REPLY TO PART (a) to (c) OF UNSTARRED QUESTION NO. 1472 TO BE ANSWERED ON 09.03.2017 IN LOK SABHA REGARDING INTER-STATE RIVER WATER SHARING DISPUTES

Status of Inter-State water disputes over the sharing of river water under Tribunals

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No Name of Tribunal States concerned Date of constitution Present Status
1 Godavari Water Disputes Tribunal Maharashtra, Andhra Pradesh, Karnataka, Madhya Pradesh &Odisha April, 1969 Award given on July, 1980
2 Krishna Water Disputes Tribunal -I Maharashtra, Andhra Pradesh, Karnataka, April, 1969 Award given on May, 1976
3 Narmada Water Disputes Tribunal
Rajasthan, Madhya Pradesh, Gujarat and Maharashtra October, 1969 Award given on December, 1979

4 Ravi & Beas Water Tribunal Punjab, Haryana and Rajasthan April, 1986 Report and decision under section 5(2) given in April, 1987. Clarification/explanation sought from the Tribunal under Section 5(3) of the said Act by the party States. Presidential Reference 1 of 2004 was made on the Punjab Termination of Agreements Act, 2004. The Hon'ble Supreme Court has pronounced the judgement on Presidential Reference in negative. Further, Government of Haryana has filed IA No. 6 of 2016 in OS No. 6 of 1996 in the matter. The matter is subjudice.

5 Cauvery Water Disputes Tribunal Kerala, Karnataka, Tamil Nadu and Puduchery June, 1990 Report and decision given on 5.2.2007 which was published vide Notification dated 19.2.2013. Further, report of CWDT u/s 5(3) of the Act is awaited. The party States have also filed Civil Appeals against the order of CWDT dated 5.2.2007 before the Supreme Court. Supreme Court has passed a judgement dated 09.12.2016 on the admissibility of Civil Appeals filed by the party States and upheld the maintainability of the Civil Appeals. As such the matter is subjudice.

6 Krishna Water Disputes Tribunal -II Karnataka, Telengana, Andhra Pradesh and Maharashtra April, 2004 Report and decision given on 30.12. 2010. Further report given by the Tribunal on 29.11.2013. However, as per Supreme Court Order dated 16.9.2011, till further order, decision taken by the Tribunal on references filed by States and Central Government shall not be published in the official Gazette. As such, matter is sub-judice. Term of the Tribunal has been extended for a further period of two year w.e.f. 1st August, 2014, and thereafter for a further period of one year w.e.f. 01.08.2016, to address the terms of reference as contained in section 89 of Andhra Pradesh Reorganisation Act, 2014. The matter is under adjudication in the Tribunal. The Government of Telengana has filed a SLP 33623-26 of 2014 and WP(C) 545 of 2015 in the Hon'ble Supreme Court in the matter. The matter is thus sub-judice.

7 Vansadhara Water Disputes Tribunal Andhra Pradesh &Odisha February, 2010

However, as per the Supreme Court order the date of reckoning of the constitution of the Tribunal is w.e.f. 17.9.2012 Report and decision not given by the Tribunal. Vansadhara Water Disputes Tribunal in its Interim Order dated 17.12.2013 has directed to constitute a 3-member Protem Supervisory Flow Management and Regulation Committee on River Vansadhara to implement its Order. State Govt. of Odisha has filed Special Leave to Appeal (Civil) No.3392 of 2014 with regard to the Vansadhara Water Disputes Tribunal Judgement dated 17.12.2013. The matter is sub-judice.

8 Mahadayi Water Disputes Tribunal Goa, Karnataka and Maharashtra November, 2010

However, vide notification dated 13.11.2014

date of reckoning of the constitution of the Tribunal is w.e.f. 21.08.2013 Report and Decision not given by the Tribunal u/s 5(2) of ISRWD Act, 1956.